(3)

CF-100K

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 3002 **/2003**

PETITIONER

Adeen Sai Benjaar, aged about 45 years son of Shri Ujwal Sai Benjaar, Posted as U.D.T. Government Higher Secondary School, Tapkara, Distt. Jashpurnagar (Chhattisgarh).

P. R. No. 26937/03
Presented by Shri Anand Kumar Tiwari
dated 20.09.03

VERSUS

RESPONDENTS

1. The State of Chhattisgarh through the Principle Secretary, Department of Tribal Welfare, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. The Director, Department of Tribal Welfare D.K.S. Bhawan, Raipur (Chhattisgarh)

3. The Additional Commissioner, Department of Tribal Welfare, Dantewada, Distt. Dantewada Chhattisgarh.

4. The Collector, Tribal Welfare Department, District- Jashpur, Chhattisgarh.

5. Principle, Government Higher Secondary School, Tapkara, Distt. Jashpur (Chhattisgarh).

CLERK TO A.G. BILASPUR

शपथ आयुक्त
एम.के शुक्ला
बिलासपुर (छ.ग.)
20/9/03
बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS/CERTIORARI AND ANY OTHER ORDER, ORDERS OR DIRECTION

XI-HC-22

(59)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 3002/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.10.2003

Petitioner by Shri A. K. Tiwari, Advocate.

Respondents by Shri Ranbir Singh, Govt. Advocate.

The petitioner by this writ petition under Article 226/227 of the Constitution of India has challenged the order dated 5.9.2003 passed by the Respondent No.2 by which the petitioner has been transferred from Higher Secondary School, Tapkara, District- Jashpur to District-Dantewada. The petitioner is working as Lower Division Teacher. The petitioner's petition is that he was selected on the post of Lower Division Teacher in the Tribal Welfare Department in the Govt. Primary School at village-Bhadiyar in the year 1971. After receiving the training the petitioner was posted at Tapkara in the year 1985 and since then he was discharging his duties as Lower Division Teacher in the aforesaid school but by the impugned order he has been transferred to the district- Dantewada which is about 800 k.m. away from the present place of work of the petitioner. It has been further mentioned that by the impugned order round about 150 employees were transferred and out of those only 16 employees have been transferred on the ground of administrative exigency, rest of the transfers are made on their own request and out of the 16 employees the petitioner has been transferred to a place which is round about 800 k.m. far away from the present place of posting, whereas the other persons are transferred in the neighbouring districts.

I have heard learned counsel for the parties.

Learned counsel for the petitioner submits that the petitioner is a class-III employee and as per the notification issued by the Govt. dt.

XI-HC-22

(60)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 3002/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

27.2.1961 the Govt. has made it clear that the Class-III and Class-IV employees, who are recruited on the district basis, generally shall not be transferred out of the district except on promotion. Learned counsel for the petitioner submits that the transfer of the petitioner has been made in violation of the above Rule, without considering the case of the petitioner. More over the petitioner is the only person who has been transferred to a distant place though other persons have been transferred in neighbouring districts. Therefore, the petitioner may be allowed to make a representation raising all his grievances and the respondents may be directed to decide the representation.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is allowed to make a representation within a period of 10 days from today, raising all his grievances to the Respondent No.2 who shall decide the representation of the petitioner within a period of 30 days after considering all his grievances in an objective manner and shall pass a reasoned order.

With the above observations this petition is disposed of finally. Till the date the representation of the petitioner is decided the impugned order shall remain stayed if the same is not already executed.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge